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Attorneys for Defendants LVMPD, Eager & Frederick

UNITED STATES DISTRICT COURT

STATE OF NEVADA

JOYCE ZAIC,

Case No:

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a political subdivision of the
STATE OF NEVADA; DANIELLE PIEPER,
individually; B. EAGER, P#6189, individually
and in his official capacity as a police officer; T.
FREDERICK, P#9793, individually and in his
official capacity as a police officer; SUNRISE
MOUNTAIN VIEW HOSPITAL, INC.; NEAL,
a security guard for MOUNTAIN VIEW
HOSPITAL; CHRISTOPHER SIMMS, security
guard for MOUNTAIN VIEW HOSPITAL;
JOHN DOES I through X and ROE
INSTITUTIONS I through X, inclusive,

Defendants.

**DEFENDANTS LAS VEGAS METROPOLITAN POLICE DEPARTMENT, B. EAGER
AND T. FREDERICK'S NOTICE OF REMOVAL**

TO: THE UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

Petitioners, Las Vegas Metropolitan Police Department, B. Eager and T. Frederick
("LVMPD Defendants"), by and through their attorneys of record, the law firm of Marquis &
Aurbach, notices the removal of this action from the Eighth Judicial District Court of the State of
Nevada to the United States District Court for the District of Nevada and, in support thereof,
states as follows:

///

1 1. The LVMPD Defendants are named in the above-entitled action commenced in
2 the Eighth Judicial District Court, in and for the County of Clark, Case No. A-10-612353,
3 Department No. XXIV and now pending in that Court.

4 2. Service of the Second Amended Complaint was made on the LVMPD Defendants
5 on or about October 5, 2010. Copies of the Acceptance of Service and Second Amended
6 Complaint are attached hereto as **Exhibits A & B**.

7 3. No further proceedings have been had in this matter in the Eighth Judicial District
8 Court, State of Nevada.

9 4. The Second Amended Complaint alleges the LVMPD Defendants violated
10 Plaintiff's civil rights pursuant to the Fourth and Fourteenth Amendments. Presumably, Plaintiff
11 is alleging the civil rights violations occurred pursuant to 42 U.S.C. §1983. (See Second Amend.
12 Compl. at ¶34.)

13 5. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1331 in that it
14 is an action arising under 42 U.S.C. § 1981. Pursuant to 28 U.S.C. §1441, the LVMPD
15 Defendants are therefore entitled to remove this action to this court.

16 6. Thirty days have not elapsed since the LVMPD Defendants were served with the
17 Second Amended Complaint in this action. Copies of the Acceptance of Service and Second
18 Amended Complaint are attached hereto as Exhibit A and B, constituting all of the papers and
19 pleadings served on the LVMPD Defendants.

20 7. All named Defendants seek removal in this matter.

21 8. A true and correct copy of this Notice of Removal is being filed this date with the
22 Clerk of the Eighth Judicial District Court of Nevada.

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1 9. Based on the foregoing, the LVMPD Defendants remove the action now pending
2 in the Eighth Judicial Court of Nevada, in and for the County of Clark, as Case No. A-10-
3 612353, to this Court.

4 Dated this 18th day of October, 2010.

MARQUIS & AURBACH

By 

CRAIG R. ANDERSON, ESQ.

Nevada Bar No. 6882

Joshua L. Benson, Esq.

Nevada Bar No. 10514

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Attorneys for Defendants LVMPD, Eager &
Frederick

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CERTIFICATE OF MAILING

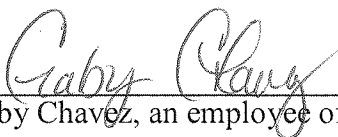
I hereby certify that on the 19th day of October, 2010, I served a copy of the foregoing
***DEFENDANTS LAS VEGAS METROPOLITAN POLICE DEPARTMENT, B. EAGER AND
T. FREDERICK'S NOTICE OF REMOVAL*** upon each of the parties by depositing a copy of
the same in a sealed envelope in the United States Mail, Las Vegas, Nevada, First-Class Postage
fully prepaid, and addressed to:

Cal J. Potter, III, Esq.
John C. Funk, Esq.
Potter Law Offices
1125 Shadow Lane
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Attorney for Plaintiff

Richard Tanasi, Esq.
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9910 W. Cheyenne Ave., Ste. 110
Las Vegas, Nevada 89129
Attorneys for Defendant Pieper

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Attorneys for Defendant Sunrise Hospital

and that there is a regular communication by mail between the place of mailing and the place(s)
so addressed.


Gaby Chavez, an employee of Marquis & Aurbach

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